

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

MARK MINDRUP,

No. C 06-05781 SBA

Plaintiff,

ORDER

vs.

U.S. POSTAL SERVICE,

Defendant.

Plaintiff Mark Mindrup filed his complaint in this action on September 20, 2006, and an initial case management conference was scheduled for January 10, 2007. On December 29, 2007, plaintiff filed a motion to continue the case management conference. Docket No. 7. The Court granted the motion and continued the case management conference to June 6, 2007. Docket No. 11. On June 4, 2007, plaintiff again requested that the initial case management conference be continued, asserting he was suffering from two collapsed lungs. Docket No. 18. The Court again granted the motion and continued the case management conference to September 6, 2007.

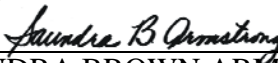
Plaintiff failed to initiate and participate in the Case Management Conference scheduled for September 6, 2007, and on November 1, 2007 the Court issued an Order to Show Cause why the case should not be dismissed without prejudice for failure to prosecute. Docket No. 26. The Court set the hearing on the Order to Show Cause for December 13, 2007. On November 17, 2007 plaintiff sent a letter to the Court stating that plaintiff is "currently off work due to severe illness," and has "also recently had a severe pneumothorax (Collapsed Lung)," and requesting that the December 13, 2007 hearing be continued "until at least February 2008."

1 In light of plaintiff's alleged medical condition, and in order to give plaintiff a final chance to
2 go forward with this case, the Court vacated the the December 13, 2007 hearing on the order to show
3 cause and scheduled a Case Management Conference for January 30, 2008 at 3:15 p.m. Specifically in
4 light of plaintiff's repeated failures to participate in scheduled case management conferences, the Court
5 stated in no uncertain terms: "Plaintiff is advised that if he fails to initiate and participate in the case
6 management conference as ordered herein, **this case will be dismissed for failure to prosecute. No**
7 **further continuances of the case management conference will be granted.**" See Docket No 28
8 (emphasis in original).

9 Consistent with his complete failure to prosecute his case, plaintiff failed to initiate and
10 participate in the January 30 case management conference as ordered. Plaintiff did not seek to be
11 excused from the case management conference or otherwise inform the Court of his inability to
12 participate. Accordingly, and as advised, plaintiff's complaint is hereby DISMISSED without prejudice.
13 The clerk shall close the file and terminate any pending matters.

14 IT IS SO ORDERED.

15
16 Dated: 2/1/08

17 
SAUNDRA BROWN ARMSTRONG
United States District Judge

1 UNITED STATES DISTRICT COURT
2 FOR THE
3 NORTHERN DISTRICT OF CALIFORNIA

4 MARK MINDRUP,

5 Plaintiff,

6 v.

7 US POSTAL SERVICE et al,

8 Defendant.
9 _____/

Case Number: CV06-05781 SBA

CERTIFICATE OF SERVICE

10 I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court,
11 Northern District of California.

12 That on February 1, 2008, I SERVED a true and correct copy(ies) of the attached, by placing said
13 copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said
14 envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle located
15 in the Clerk's office.

16 Mark Mindrup
17 1032 Irving Street
18 #250
19 San Francisco, CA 94122

20 Dated: February 1, 2008

21 Richard W. Wieking, Clerk
22 By: LISA R CLARK, Deputy Clerk
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